IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO.13552 of 2004

Between:

T. Eswaramma, W/o. Narasimha Reddy,
Korlakunta Gram Panchayat, Galiveedu Mandal, Kadapa District.

..... PETITIONER

AND

1 The Executive Engineer, Minor Irrigation Department,
Kadapa, Kadapa District.
2 The Assistant Director (Hg), Ground Water Department,
Kadapa, Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents particularly the 1st respondent in shifting the site for construction of 4 check dams on Pedda Vanka of Korlakunta village in Galiveedu Mandal of Kadapa District from the sites originally sanctioned by the 2nd respondent, without any reason or basis and to the detrimental of recharge of ground water as illegal, unjust, arbitrary, highhanded and against the interest of farmers and against G.O.Ms.No.73 Panchayatraj & Rural Development (RD.IV) Department, dated 28-02-2004 and consequently direct the 1st respondent to construct the 4 check dams on Pedda Vanka of Korlakunta Village in Galiveedu Mandal of Kadapa District as per the original sanction of the 2nd respondent and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case

Counsel for the Petitioner:MR.L.J.VEERA REDDY

Counsel for the Respondents: GP FOR IRRIGATION & COMM AREA DEVELOPMENT

The Court at the admission stage made the following Order:

THE HON'BLE Ms.JUSTICE G.ROHINI

WRIT PETITION NO.13552 OF 2004

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the action of the first respondent in shifting the site for construction of 4 check dams of Pedda Vanka of Korlakunta village of Galiveedu Mandal of Kadapa District from the sites originally sanctioned by the second respondent as illegal and arbitrary.

The petitioner is the Sarpanch of Korlakunta village of Galiveedu Mandal, Kadapa District. His case is that the decision taken by the first respondent to shift the site for construction of 4 check dams is contrary to the guidelines issued under G.O.Ms.No.73, Panchayatraj & Rural Development (RD.IV) Department, dated 28-02-2004, and absolutely, there are no justifiable reasons to shift the sites since the sites were originally selected after conducting a detailed survey on 29-08-2003.

Since the matter involves pure questions of fact, which cannot be gone into by this Court under Article 226 of the Constitution of India, I deem it appropriate to dispose of the writ petition granting liberty to the petitioner to make a representation before the 1st respondent raising all objections against the proposed shifting of the sites for construction of 4 check dams in question. If such representation is made within two weeks from today, the respondents shall consider the same and pass appropriate orders in accordance with law within two weeks thereafter. Till such orders are passed, the respondents shall not proceed with the proposed shifting of sites for construction of the check dams in question.

The Writ Petition is accordingly disposed of. No costs.

03-08-2004

Note:CC in three days

B/O

usd/mjl

To

1. The Executive Engineer, Minor Irrigation Department,
   Kadapa, Kadapa District.

2. The Assistant Director (Hg), Ground Water Department, Kadapa, Kadapa District.

3. 2CCs to GP for Irrigation and Command Area Development, High Court Buildings, Hyderabad (o.u.t)

4 2CD copies